

Before the  
**Federal Communications Commission**  
 Washington, D.C. 20554

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In the Matter of	)	MM Docket No. 99-25
	)	
Creation of a Low Power	)	RM-9208
Radio Service	)	RM-9242
	)	
TO: The Full Commission		

**PETITION FOR RECONSIDERATION**

Pursuant to Section 405 of the Communications Act, James W. Lawson and Larry Langford, Jr. ("Lawson" and "Langford"), by their attorney, hereby respectfully request the Commission to reconsider its Report and Order in this proceeding, published February 15, 2000, at 65 FR 152602, as follows:

1. By its Report and Order in this proceeding, the Commission establishes two categories of LPFM stations and enacts rules which specifically exclude existing broadcasters from applying for LPFM licenses or playing any part in the operation of LPFM stations. In taking these actions, the Commission threatens the very existence of AM stations and, in particular, AM stations owned by Black Americans which have no outlets in the FM band.

2. Lawson and Langford filed Comments in this proceeding, which appear to have been ignored. In their Comments, Lawson and Langford showed that both are African-Americans. Mr. Langford owns an AM broadcast station in Cassopolis, Michigan. Mr. Lawson owns an AM broadcast station in Tuscaloosa, Alabama. Messrs. Lawson and Langford have both worked very hard for many years to build up their AM broadcast stations. This is a daunting task, because

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African-Americans were among the very first groups to desert AM in favor of FM, and it is very difficult to attract them back to the AM band.

3. Messrs. Lawson and Langford are not alone. FM broadcast stations have become so expensive that relatively few African-Americans can own these stations. Therefore, to serve the needs of the minority community, many African-Americans have acquired AM broadcast stations. In fact, a disproportionate number of AM broadcast stations are owned by African-Americans.

4. The Commission's decision to establish two categories of LPFM stations and to exclude existing broadcasters from ownership of these stations will not benefit Messrs. Lawson or Langford, nor will it benefit other African-Americans who have worked long and hard to acquire and build up AM broadcast stations. To the contrary, the establishment of large numbers of LPFM stations, which cannot be owned by these hard working, existing, AM broadcasters threatens to so fractionalize the audience and advertiser base as to actually destroy the viability of stations, such as those owned by Lawson and Langford.

5. Lawson and Langford urge the Commission to reconsider its decision to go forward with the creation of LPFM stations. The record shows that very, very few such stations can be created in major metropolitan markets. In small markets, however, where Langford and Lawson operate stations, numerous LPFM stations can be created. It is unfair to those who have labored long and hard to acquire AM broadcast facilities and to make those facilities viable to now create large quantities of LPFM competitors, who will receive their licenses free of charge and who can construct these competing stations at very little cost.

6. It is no answer to say that these facilities will be "non-commercial". They will be supported by advertising, just like all other radio stations; the advertisements will simply be characterized as "grants" to the LPFM licenses from commercial advertisers. Those grants represent

revenues which will no longer be available to independent AM stations, such as those owned by Lawson and Langford.

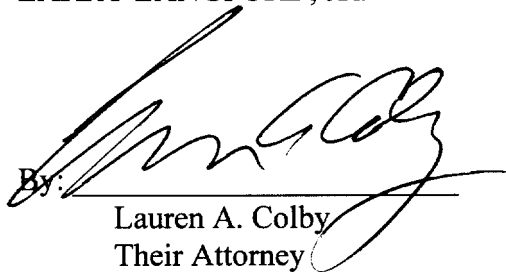
7. If the Commission is determined to go ahead with LPFM, the rules should be modified to allow independent AM broadcasters<sup>1</sup> to apply for and compete for LPFM license in their communities, either on a commercial basis or a non-commercial basis. Much would be gained by allowing independent broadcasters to file commercial applications for these LPFM stations since these commercial applications would be subject to auction and would bring in substantial revenues to the Treasury. Failing that, however, independent AM broadcasters should at a minimum be free to apply for non-commercial, LPFM licenses and/or provide programming to those who hold LPFM licenses. Many of those who wind up with LPFM licenses will have little or no prior experience in the business of radio broadcasting. Allowing independent AM broadcasters to assist LPFM licensees by providing programming and other support would benefit these new LPFM licensees and would benefit the public, by improving program quality and insuring the continued viability of independent AM broadcast stations.

Respectfully submitted,

March 9, 2000

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<sup>1</sup>By "independent AM Broadcasters", we mean AM broadcasters who own no companion FM stations in their communities.